

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

**CROWN EQUIPMENT
CORPORATION,**

Plaintiff,

v.

DAVID BRADY, et al.,

Defendants.

Civil Action No. 5:23-cv-00059

**PLAINTIFF’S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO
MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

Plaintiff Crown Equipment Corporation (“Crown”), moves this Court to request additional time to respond to the *Motion to Dismiss for Failure to State a Claim* (Document No. 37) and the accompanying *Memorandum in Support of Defendants’ Motion to Dismiss* (Document No. 38) (together, the “*Motion*”) filed on behalf of Defendants David Brady, William Tucker, Brawtus Holding Company, Inc., Brawtus Management Company, LLC, and Pneu-Mech Dissolution LLC f/k/a Pneu-Mech Systems Manufacturing, LLC (together, “Defendants”). The current deadline to respond to Defendants’ *Motion* is September 5, 2023. Crown requests an extension to file an opposition to the *Motion* up to and including September 18, 2023. Crown has consulted with counsel for Defendants, and they have represented they do not oppose this extension.

Further, there is good cause to grant this reasonable extension. That is, the *Motion* addresses all of the claims in Crown’s complex Complaint against five of the eight defendants. Further, given the holiday weekend immediately before the present deadline as well as preexisting

travel plans for Crown's counsel makes it difficult to respond to the *Motion* within the time allotted under the Rules.

Thus, pursuant to Federal Rule of Civil Procedure 6(b)(1), Crown requests additional time to respond to the *Motion* until **September 18, 2023**.

Respectfully submitted, this 28th day of August, 2023.

/s/Fred M. Wood, Jr.

Fred M. Wood, Jr., NC Bar No. 18437

Evan M. Sauda, NC Bar No. 32915

David Blue, NC Bar No. 57829

Nelson Mullins Riley & Scarborough, LLP

301 South College St., 23rd Floor

Charlotte, North Carolina 28202

T: (704) 417-3000

F: (704) 377-4814

Email: fred.wood@nelsonmullins.com

Email: evan.sauda@nelsonmullins.com

Email: david.blue@nelsonmullins.com

and

Toby K. Henderson (0071378)

(*pro hac vice*)

Joanna W. Gisel (0100701)

(*pro hac vice*)

SEBALY SHILLITO + DYER

A Legal Professional Association

40 North Main Street

1900 Stratacache Tower

Dayton, Ohio 45423

937-222-2500 Telephone

937-222-6554 Facsimile

thenderson@ssdlaw.com

jgisel@ssdlaw.com

Attorneys for Plaintiff

Crown Equipment Corporation

CERTIFICATE OF SERVICE

I certify that on August 28, 2023 a copy of the foregoing was filed electronically through the Court's ECF system and served on all counsel of record.

/s/Fred M. Wood, Jr.

Fred M. Wood, Jr., NC Bar No. 18437

Evan M. Sauda, NC Bar No. 32915

David Blue, NC Bar No. 57829

Nelson Mullins Riley & Scarborough, LLP

301 South College St., 23rd Floor

Charlotte, North Carolina 28202

T: (704) 417-3000

F: (704) 377-4814

Email: fred.wood@nelsonmullins.com

Email: evan.sauda@nelsonmullins.com

Email: david.blue@nelsonmullins.com